

STATEMENT OF PURPOSE

RS20146

This legislation adds four words to Idaho's Civil Rights Act, non-discrimination statutes and to the Human Rights Act to secure for individuals within the state of Idaho freedom from discrimination in connection with employment, public accommodations, real property transactions, or education because of their sexual orientation or gender identity. As with existing prohibitions on discrimination for individuals based on race, creed, religion, sex, age and national origin, the legislation will authorize the Idaho Human Rights Commission to investigate complaints of such unlawful discrimination, make findings, act upon its findings, and endeavor to mediate or eliminate by informal means such discrimination, if it exists. Under the human rights act, businesses employing five or fewer employees are exempt. Duplex rental units and shared rental or roommate accommodations are exempt. Furthermore, because a religious exemption is included and because the Human Rights Commission is also charged with protecting the religious rights and freedoms of individuals in the state of Idaho, it is the intent of this legislation that the enactment of this law will not diminish protections for religious organizations to practice and operate according to their religious beliefs. Additionally, the legislation uses exemption language from the successful Salt Lake City ordinance which also prohibits discrimination on the basis of sexual orientation and gender identity. The exemption reiterates the right of the Boy Scouts of America to expressive association in hiring and related matters as established in the U.S. Supreme Court decision *Boy Scouts of America v. Dale*. Enactment of this legislation will protect the individual interest in personal dignity and make available to the state its full productive capacities. Through utilization of the Human Rights Commission, all parties involved in complaints of unlawful discrimination will be afforded a neutral and cost effective administrative forum to aid in determining issues of alleged discrimination. Nationally, other states have recognized the need for such legislation. Over 100 cities, including Pocatello and Salt Lake City, have now made it their policy.

FISCAL NOTE

None

Contact:

Name: Senator Edgar J. Malepeai
Office: WG304
Phone: (208) 332-1406